

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: DEALER MANAGEMENT SYSTEMS
ANTITRUST LITIGATION

This Document Relates to:
Authenticom, Inc. v. CDK Global, LLC, et al.,
Case No. 1:18-cv-00868 (N.D. Ill.)

MDL No. 2817
Case No. 18 C 864

Hon. Robert M. Dow, Jr.

**AUTHENTICOM, INC.’S PARTIAL MOTION TO DISMISS
THE COUNTERCLAIMS OF THE REYNOLDS AND REYNOLDS COMPANY AND
MOTION FOR AN EXTENSION OF TIME TO ANSWER THE REMAINING COUNTS
OF THE COUNTERCLAIM COMPLAINT**

1. Plaintiff and Counterclaim-Defendant Authenticom, Inc. (“Authenticom”) hereby moves under Federal Rule of Civil Procedure 12(b)(6) to partially dismiss the counterclaims of The Reynolds and Reynolds Company (“Reynolds”). In support of this Motion, Authenticom incorporates by reference the memorandum of law filed concurrently herewith, any reply memorandum that Authenticom may file, and any oral argument that the Court may allow at a hearing on this Motion.

2. Authenticom also moves the court for an extension of time to answer the remaining counts of Reynolds’ counterclaim complaint until 21 days after the ruling on Authenticom’s partial motion to dismiss. Filing a partial motion to dismiss under Rule 12(b) extends the time to file an answer to the entire complaint, including the claims not at issue in the Rule 12(b) motion. *See, e.g., Intercom Ventures, LLC v. FastTV, Inc.*, 2013 WL 2357621, at *6-7 (N.D. Ill. May 28, 2013); *Porter v. U.S. Dep’t of Army*, 1995 WL 461898, at *4 (N.D. Ill. July 17, 1995); *Ello v. Brinton*, 2015 WL 7016462, at *4 (N.D. Ind. Nov. 10, 2015).

Dated: July 20, 2018

Respectfully submitted,

Jennifer L. Gregor
Kendall W. Harrison
Godfrey & Kahn S.C.
One East Main Street, Suite 500
Madison, WI 53703
(608) 257-0609
jgregor@gklaw.com
kharrison@gklaw.com

Attorneys for Authenticom, Inc.

/s/ Derek T. Ho
Derek T. Ho
Michael N. Nemelka
Aaron M. Panner
David L. Schwarz
Kevin J. Miller
Daniel V. Dorris
Joanna T. Zhang
Joshua Hafenbrack
**Kellogg, Hansen, Todd,
Figel & Frederick, P.L.L.C.**
1615 M Street, NW, Suite 400
Washington, D.C. 20036
(202) 326-7900
dho@kellogghansen.com
mnemelka@kellogghansen.com
apanner@kellogghansen.com
dschwarz@kellogghansen.com
kmiller@kellogghansen.com
ddorris@kellogghansen.com
jzhang@kellogghansen.com
jhafenbrack@kellogghansen.com

Attorneys for Authenticom, Inc.

CERTIFICATE OF SERVICE

I, Derek T. Ho, an attorney, hereby certify that on July 20, 2018, I caused a true and correct copy of the foregoing **AUTHENTICOM, INC.'S PARTIAL MOTION TO DISMISS THE COUNTERCLAIMS OF THE REYNOLDS AND REYNOLDS COMPANY AND MOTION FOR AN EXTENSION OF TIME TO ANSWER THE REMAINING COUNTS OF THE COUNTERCLAIM COMPLAINT** to be filed and served electronically via the court's CM/ECF system. Notice of this filing will be sent by email to all parties by operation of the court's electronic filing system or by email to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

/s/ Derek T. Ho

Derek T. Ho

**KELLOGG, HANSEN, TODD,
FIGEL & FREDERICK, P.L.L.C.**
1615 M Street, NW, Suite 400
Washington, D.C. 20036
(202) 326-7900
dho@kellogghansen.com